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Councilman Morrison made MOTION to go into a closed session to discuss personnel. Councilman Dafoe SECONDED the motion, which passed unanimously. They adjourned into a closed session at 10:52 p.m.

Council Member Hansen made a MOTION to adjourn the meeting. Councilman Dafoe SECONDED the motion, which passed unanimously. The Mayor adjourned the meeting at 11:59.


Mayor Grant S. Nielson

City Recorder Dorothy Jeffery

MINUTES OF A REGULAR CITY COUNCIL MEETING HELD SEPTEMBER 12, 1983

PRESENT

Grant S. Nielson
Don Dafoe
Ruth Hansen
Willis Morrison

Mayor
Council Member
Council Member
Council Member

ABSENT

Max Bennett
Don Bird
Vance Bishop
Dorothy Jeffery

Council Member
Council Member
City Administrator
City Recorder

OTHERS PRESENT

Warren Peterson
John Quick
Sherri Terrell
Neil Forster
Craig Greathouse
Helena Downing
Corene Murray
Delila Bond
Jennie Price
Gladys Stang
Diane Taylor
Terry Murray
Paula Harman
Neal Finlinson
Jim Fletcher

City Attorney
City Engineer
City Secretary
Public Works Superintendent

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Leslie Downing
Dale Bond
Larry Price
Al Stang
ken Taylor
Carlyle Peterson
Oneta Fisher
Marvin Hartman
Jim DeWyze
And others who did not sign the roster.

Mayor Nielson called the meeting to order at 8:04 p.m. and stated that notice of the time, place and agenda of the meeting had been posted at the principal office of the governing body and had been provided to the Millard County Chronicle, the Millard County Gazette and the local radio station, KNAK, and to each member of the governing body by personal delivery of copies of the Notice and Agenda two (2) days prior to the meeting.

MINUTES

The minutes of a Regular City Council Meeting held August 29, 1983, were presented and corrected by the Council. Councilman Dafoe made a MOTION to accept the minutes as corrected. Council Member Hansen SECONDED the motion, which passed unanimously.

PROTEST HEARING CONCERNING THE CREATION OF SPECIAL IMPROVEMENT DISTRICT 83-1 FOR THE PURPOSE OF INSTALLING WATER AND SEWER LINES IN DELTA ESTATES MOBILE HOME SUBDIVISION AND COMMERCIAL AREA

The Mayor asked City Attorney Peterson to make an opening statement. Mr. Peterson stated that he understood the reasons for the protests were because the cost figures used in the Resolution of Intention to create the district were high. He stated that the figures used were merely the maximum estimate. In an improvement district, he explained, the City is allowed to install up to the estimated amount but not to exceed that amount. The intention of the City is to complete the project at the lowest cost. He recommended that the costs be refigured and the assessment be determined before construction. He stated that it would be helpful to hear the protests.

Helena Downing, Chairwoman of the Delta Estates Committee, stated that when they were looking into the costs figures, they started at \$140,000.00 and got the cost down to \$70,000.00.

Mr. Peterson stated that he had given the Bond Attorney the high figures. He stated that this figure was not binding as an actual construction cost, except as a maximum. He suggested that the Council not adopt the resolution at this time, allowing the engineers time to compute more accurate figures on the improvement district.

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Mayor Nielson stated that the City has already contributed a main line which amounted to approximately \$20,000.00.

Mrs. Downing stated that she would be willing to go along with Mr. Peterson's suggestion and look into the cost.

Corene Murray stated that she went along with the protest.

Mr. & Mrs. Larry Price stated that they went along with the protest even though they did not sign the petition.

Neal Finlinson stated that with this estimated cost, the improvements would cost more than the lot did.

Jennie Price stated that this improvement would cost more than the lot that they purchased last month.

Helena Downing stated that Carlyle Peterson had turned over water rights in lieu of the connection fee.

Carlyle Peterson stated that the water to be dedicated to the City would not be approved until next month.

Neal Finlinson asked if Rancho Trailer Park was included in this Special Improvement District, and if it would affect the people in the Desta Estates Area.

City Attorney Peterson stated that the area including Rex Day's office would be included as part of the district, but would be assessed separate from Delta Estates. He stated that there would be no charge to the people of Delta Estates or the improvements to Parcel II of the proposed District.

Tom Greenwood stated that the City had agreed to drop the water line from an 8 inch to a 6 inch.

City Engineer John Quick stated that Jim Edwards did most of the preliminary design work. He stated that he and Jim would get together to discuss the improvements and make the needed changes. He stated that a 6 inch water line was the smallest that would meet Delta City and State Health Standards; 6 inch is the minimum for fire protection. Mr. Quick stated that the bid would be open and awarded to the lowest bidder. He stated that everything should be in order to have it ready to bid by next week.

Kim Young, of Boettcher & Company, stated that at the end of the project the total costs are financed by bonds. The property owners would have the option to pay for the improvements or finance them over a ten year period at approximately 11% or less.

Tom Greenwood brought it to the Council's attention that a valve which had been installed should be deducted from the bid.

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The Mayor asked if there were any other comments.

City Attorney Peterson recommended when Mr. Quick and Mr. Edwards produce the figures they meet with the Committee from Delta Estates before the meeting next Monday. This would keep everyone informed and keep the project on track.

Helena Downing asked if they could submit the names and bids of the contractors that have worked with them on an estimate.

Mr. Quick stated that the list would help them, but the bid would still be open to everyone.

Mayor Nielson asked if Monday morning at 10:00 a.m. would be acceptable to meet. Mrs. Downing stated that this would be fine.

In response to a question from Mayor Nielson, City Attorney Peterson stated that this would meet the requirements for a Protest Hearing, if everyone desiring to enter a protest has been heard.

CONSIDERATION OF A RESOLUTION TO CREATE DELTA CITY, UTAH SPECIAL IMPROVEMENT DISTRICT 83-1

City Attorney Peterson recommended that the resolution to create a Special Improvement District be tabled until the cost figures could be better estimated.

Councilman Morrison made a MOTION to table the Resolution to create a Special Improvement District in the Delta Estates Area until the cost figures could be re-estimated. Councilman Dafoe SECONDED the motion, which passed unanimously.

RECONSIDERATION OF LETTER OF PROTEST AGAINST THE ISSUANCE OF A CLASS "A" BEER LICENSE TO 7-11 STORE

Mayor Nielson stated that he had recommended that the Council take no action on the protest against the issuance of a Class "A" Beer License to Southland Corporation for a 7-11 Store, but it was tabled until the Council could get the City Attorney's input.

City Attorney Peterson presented a copy of an ownership plat of this particular block. He stated that according to state statute (32-4-17) the commission granting the license can determine proximity. He stated that the method of measurement had not changed. The motion that was passed required a fence obstructing travel to surround this area. He pointed out that the School District owned some land between the church and Southland Corporation's lot. He stated that he felt the position of the City is defensible. Attorney Peterson stated that a license can not be revoked without just cause. Public opinion is not ordinarily just cause.

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Councilman Morrison made a MOTION for the Council to deny the petition to reconsider the Class "A" Beer License issued to the 7-11 Store, Southland Corporation. Councilman Dafoe SECONDED the motion, which passed unanimously.

CONSIDERATION OF ADDITIONAL LANGUAGE TO PROPOSED ZONING ORDINANCE TO INCLUDE STABLES IN HIGHWAY COMMERCIAL ZONE

Mayor Nielson stated that Mrs. Thomas had requested to add to her horse stables. He suggested that a conditional use permit be issued in the Highway Commercial Zone.

City Attorney Peterson presented a draft of an ordinance that would allow a permitted use in Highway Commercial Zone. This would allow Mrs. Thomas to have a horse boarding business. The Council discussed the proposed ordinance. Council Member Hansen made a MOTION to set a public hearing for an ordinance to amend the language of the zoning ordinance, for October 3, 1983, at 7:45 p.m. in the Delta City Office. Councilman Morrison SECONDED the motion, which passed unanimously.

Mayor Nielson stated that the Attorney needed to make some changes to the new Zoning Ordinance before it is adopted. Attorney Peterson stated that if substantial changes were made that another Public Hearing may be required.

SCHOOL DISTRICT REQUEST FOR SIDEWALK ALONG CENTER STREET FROM 400 SOUTH TO 450 SOUTH

The Council discussed the sidewalks to the Delta South Elementary School. With the present financial position it would be very difficult for Delta City to donate a sidewalk at this time. Councilman Morrison stated that IPP had given the School District a generous amount for such things.

Mayor Nielson stated that when the City applied for a Block Grant last year, it was denied. The other times that the City has received these kinds of grants it has taken more administrative time than the amount of the grant.

Councilman Dafoe made a MOTION to deny the School District's request for a sidewalk along Center Street from 400 South to 450 South, and recommended that the district install the additional sidewalk if they see the need. Councilman Morrison SECONDED the motion, which passed unanimously.

LEASE AGREEMENT WITH G.S.A. ON AIRPORT HANGAR

Public Works Superintendent Neil Forster stated that a local contractor had estimated the repair to the airport hangar to be \$6,189.00. The City had built this hangar 10 to 15 years ago and is receiving \$125.00 a month rent. The roof needs to be completely rebuilt. Mr. Forster stated that if the City wishes to retain this as leasable property in the future the repairs are necessary.

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Mayor Nielson stated that City Administrator Bishop had talked with G.S.A. and they had said that if the hangar were to require extensive repairs they would lease it for one more year as it is.

City Attorney Peterson stated that the present contract may need to be rewritten, unless G.S.A. would be willing to renew the existing lease agreement.

Councilman Dafoe made a MOTION to offer G.S.A. the choice of leasing the existing hangar as it is for 1 year, or including improvements for a 5 year lease at \$250.00. Councilman Morrison SECONDED the motion, which passed unanimously.

RESOLUTION TO REQUIRE POLICE OFFICERS BEING TRAINED BY DELTA CITY TO REMAIN IN THE EMPLOY OF DELTA CITY FOR ONE YEAR AFTER THE COMPLETION OF THE TRAINING

Mayor Nielson stated that Delta City pays police officers' wages while they are in training. He stated that this resolution would require the officer to be employed for one year after training was completed, allowing Delta City to recover some of the costs.

City Attorney Peterson stated that this form of resolution has been overturned in other settings. A ruling has not been obtained in Utah. He stated that the resolution would be effective upon adoption.

Councilman Dafoe made a MOTION to table this matter until the City Attorney could provide a proper form of agreement and additional wording to the resolution. Council Member Hansen SECONDED the motion, which passed unanimously.

SET HEARING DATE FOR KEN KAUWE APPEAL OF BOARD OF APPEALS DECISION

Ken Kauwe's attorney had requested transcripts of the Appeal Board's Hearing. City Attorney Peterson stated that it had taken his secretary 3 days to type the first tape, which was 20 pages long. He stated that he didn't feel that Delta City wanted the financial burden of providing the transcripts. He stated that he would be more than happy to provide Mr. Kauwe's attorney a copy of the tapes.

Attorney Peterson stated that there are two ways to set up an appeal: (1) go through the hearing as it was done before, or (2) on the evidence that was presented in the first case (to determine whether or not the Appeals Board made the correct decision on the evidence presented to them). He stated that he recommended number 2.

Councilman Dafoe made a MOTION to set the hearing date for September 26, 1983, at 6:00 p.m., at the Delta City Office, allowing Mr. Kauwe to determine if he would like the hearing to be open to the public. The hearing is to have a time limit of 1 hour for both sides to present their case. Councilman Morrison SECONDED the motion, which passed unanimously.

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OTHER BUSINESS

There were a number of people to complain about the dogs barking at night. City Attorney Peterson recommended that the police patrol the area to find out where the disturbances were coming from. The Council assured the people that they would do everything they could to try to have this matter controlled.

Dale Bond stated that he wanted to lodge a complaint against Dennis Westwood, the Animal Control Officer, who had taken his goat from his property. Mayor Nielson stated that he would see that his goat was returned and try to solve the misunderstanding.

Councilman Morrison made a MOTION to adjourn the meeting. Councilman Dafoe SECONDED the motion, which passed unanimously. Mayor Nielson adjourned the meeting at 10:38 p.m.


Mayor Grant S. Nielson

City Recorder Dorothy Jeffery

MINUTES OF A REGULAR CITY COUNCIL MEETING HELD SEPTEMBER 19, 1983

PRESENT

Grant S. Nielson
Max Bennett
Don Bird
Don Dafoe
Ruth Hansen
Willis Morrison

Mayor
Council Member
Council Member
Council Member
Council Member
Council Member

ABSENT

None

OTHERS PRESENT

Warren Peterson
Dorothy Jeffery
Sherri Terrell
Neil Forster
John Quick
Greg Cooper

City Attorney
City Recorder
City Secretary
Public Works Superintendent
City Engineer
Chief of Police